

Bill No. SB 2246

Barcode 414552

591-2348-06

Proposed Committee Substitute by the Committee on Criminal Justice

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A bill to be entitled

An act relating to the Florida Retirement System; amending ss. 121.021 and 121.0515, F.S.; providing membership in the Special Risk Class for persons employed by the Department of Corrections or the Department of Children and Family Services as certain treatment and rehabilitation personnel; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) is added to subsection (15) of section 121.021, Florida Statutes, to read:

121.021 Definitions.--The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15)

(f) Effective July 1, 2006, the term "special risk member" includes any member who is employed by the Department of Corrections or the Department of Children and Family Services and meets the special criteria set forth in s. 121.0515(2)(i).

Section 2. Subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.--

(2) CRITERIA.--A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected

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1 police chiefs shall be excluded from meeting the certification
2 requirements of this paragraph. In addition, the member's
3 duties and responsibilities must include the pursuit,
4 apprehension, and arrest of law violators or suspected law
5 violators; or the member must be an active member of a bomb
6 disposal unit whose primary responsibility is the location,
7 handling, and disposal of explosive devices; or the member
8 must be the supervisor or command officer of a member or
9 members who have such responsibilities; provided, however,
10 administrative support personnel, including, but not limited
11 to, those whose primary duties and responsibilities are in
12 accounting, purchasing, legal, and personnel, shall not be
13 included;

14 (b) The member must be employed as a firefighter and
15 be certified, or required to be certified, in compliance with
16 s. 633.35 and be employed solely within the fire department of
17 a local government employer or an agency of state government
18 with firefighting responsibilities. In addition, the member's
19 duties and responsibilities must include on-the-scene fighting
20 of fires, fire prevention, or firefighter training; direct
21 supervision of firefighting units, fire prevention, or
22 firefighter training; or aerial firefighting surveillance
23 performed by fixed-wing aircraft pilots employed by the
24 Division of Forestry of the Department of Agriculture and
25 Consumer Services; or the member must be the supervisor or
26 command officer of a member or members who have such
27 responsibilities; provided, however, administrative support
28 personnel, including, but not limited to, those whose primary
29 duties and responsibilities are in accounting, purchasing,
30 legal, and personnel, shall not be included and further
31 provided that all periods of creditable service in fire

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1 prevention or firefighter training, or as the supervisor or
2 command officer of a member or members who have such
3 responsibilities, and for which the employer paid the special
4 risk contribution rate, shall be included;

5 (c) The member must be employed as a correctional
6 officer and be certified, or required to be certified, in
7 compliance with s. 943.1395. In addition, the member's primary
8 duties and responsibilities must be the custody, and physical
9 restraint when necessary, of prisoners or inmates within a
10 prison, jail, or other criminal detention facility, or while
11 on work detail outside the facility, or while being
12 transported; or the member must be the supervisor or command
13 officer of a member or members who have such responsibilities;
14 provided, however, administrative support personnel,
15 including, but not limited to, those whose primary duties and
16 responsibilities are in accounting, purchasing, legal, and
17 personnel, shall not be included; however, wardens and
18 assistant wardens, as defined by rule, shall participate in
19 the Special Risk Class;

20 (d) The member must be employed by a licensed Advance
21 Life Support (ALS) or Basic Life Support (BLS) employer as an
22 emergency medical technician or a paramedic and be certified
23 in compliance with s. 401.27. In addition, the member's
24 primary duties and responsibilities must include on-the-scene
25 emergency medical care or direct supervision of emergency
26 medical technicians or paramedics, or the member must be the
27 supervisor or command officer of one or more members who have
28 such responsibility. However, administrative support
29 personnel, including, but not limited to, those whose primary
30 responsibilities are in accounting, purchasing, legal, and
31 personnel, shall not be included;

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1 (e) The member must be employed as a community-based
2 correctional probation officer and be certified, or required
3 to be certified, in compliance with s. 943.1395. In addition,
4 the member's primary duties and responsibilities must be the
5 supervised custody, surveillance, control, investigation, and
6 counseling of assigned inmates, probationers, parolees, or
7 community controllees within the community; or the member must
8 be the supervisor of a member or members who have such
9 responsibilities. Administrative support personnel, including,
10 but not limited to, those whose primary duties and
11 responsibilities are in accounting, purchasing, legal
12 services, and personnel management, shall not be included;
13 however, probation and parole circuit and deputy circuit
14 administrators shall participate in the Special Risk Class;

15 (f) The member must be employed in one of the
16 following classes and must spend at least 75 percent of his or
17 her time performing duties which involve contact with patients
18 or inmates in a correctional or forensic facility or
19 institution:

- 20 1. Dietitian (class codes 5203 and 5204);
- 21 2. Public health nutrition consultant (class code
- 22 5224);
- 23 3. Psychological specialist (class codes 5230 and
- 24 5231);
- 25 4. Psychologist (class code 5234);
- 26 5. Senior psychologist (class codes 5237 and 5238);
- 27 6. Regional mental health consultant (class code
- 28 5240);
- 29 7. Psychological Services Director--DCF (class code
- 30 5242);
- 31 8. Pharmacist (class codes 5245 and 5246);

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- 1 9. Senior pharmacist (class codes 5248 and 5249);
- 2 10. Dentist (class code 5266);
- 3 11. Senior dentist (class code 5269);
- 4 12. Registered nurse (class codes 5290 and 5291);
- 5 13. Senior registered nurse (class codes 5292 and
- 6 5293);
- 7 14. Registered nurse specialist (class codes 5294 and
- 8 5295);
- 9 15. Clinical associate (class codes 5298 and 5299);
- 10 16. Advanced registered nurse practitioner (class
- 11 codes 5297 and 5300);
- 12 17. Advanced registered nurse practitioner specialist
- 13 (class codes 5304 and 5305);
- 14 18. Registered nurse supervisor (class codes 5306 and
- 15 5307);
- 16 19. Senior registered nurse supervisor (class codes
- 17 5308 and 5309);
- 18 20. Registered nursing consultant (class codes 5312
- 19 and 5313);
- 20 21. Quality management program supervisor (class code
- 21 5314);
- 22 22. Executive nursing director (class codes 5320 and
- 23 5321);
- 24 23. Speech and hearing therapist (class code 5406); or
- 25 24. Pharmacy manager (class code 5251);
- 26 (g) The member must be employed as a youth custody
- 27 officer and be certified, or required to be certified, in
- 28 compliance with s. 943.1395. In addition, the member's primary
- 29 duties and responsibilities must be the supervised custody,
- 30 surveillance, control, investigation, apprehension, arrest,
- 31 and counseling of assigned juveniles within the community; or

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1 (h) The member must be employed by a law enforcement
2 agency or medical examiner's office in a forensic discipline
3 recognized by the International Association for Identification
4 and must qualify for active membership in the International
5 Association for Identification. The member's primary duties
6 and responsibilities must include the collection, examination,
7 preservation, documentation, preparation, or analysis of
8 physical evidence or testimony, or both, or the member must be
9 the direct supervisor, quality management supervisor, or
10 command officer of one or more individuals with such
11 responsibility. Administrative support personnel, including,
12 but not limited to, those whose primary responsibilities are
13 clerical or in accounting, purchasing, legal, and personnel,
14 shall not be included; or-

15 (i) The member must be employed by the Department of
16 Corrections or the Department of Children and Family Services
17 with the following specified primary duties and
18 responsibilities in one of the following positions:

19 1. Licensed practical nurses whose primary duties and
20 responsibilities include administering medication during
21 scheduled times, and as otherwise directed; and providing
22 routine practical nursing care, including assistance with
23 resident personal hygiene, feeding, vital signs, first aid,
24 dressing changes, irrigations, and enemas.

25 2. Unit treatment and rehabilitation specialists whose
26 primary duties and responsibilities include providing direct
27 patient care to mental health residents by participation in
28 therapy sessions, activity programs, personal hygiene, and
29 individualized treatment; maintaining a secure and therapeutic
30 environment, monitoring residents' progress, and implementing
31 specialized treatments as directed by the treatment team;

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1 supervising residents in recreational or cultural activities;
2 coordinating clinic visits for residents and assisting nurses
3 when necessary; and writing and reading daily notes on
4 residents' behavior, reviewing daily program notes, shift
5 reports, and logs; and keeping current on all changes in the
6 residents' records.

7 3. Behavioral program specialists whose primary duties
8 and responsibilities include maintaining a safe, secure, and
9 therapeutic environment by implementing specialized behavior
10 control techniques; working closely with other staff to reduce
11 seclusion hours; directly supervising all unit treatment and
12 rehabilitative specialists; and writing required performance
13 appraisals and other feedback on supervised staff in a timely
14 manner.

15 4. Unit treatment and rehabilitative senior
16 supervisors whose primary duties and responsibilities include
17 either:

18 a. Directly supervising all unit treatment and
19 rehabilitative specialists at a treatment building or in
20 multiple buildings; reviewing progress notes and assigning and
21 coordinating unit treatment and rehabilitative specialist
22 activities; handling all emergency situations on shift; and
23 participating in or conducting therapy sessions; or

24 b. Directly supervising other unit treatment and
25 rehabilitative senior supervisors or behavioral program
26 specialists; coordinating activities for consistency from
27 shift to shift; preparing or implementing work schedules for
28 assigned buildings to ensure minimum coverage; approving leave
29 and schedule changes; disseminating information, policies, and
30 communications to treatment staff; serving as liaison between
31 counselors and treatment staff; and supervising and evaluating

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1 volunteers and interns.

2 5. Rehabilitation therapists whose primary duties and
3 responsibilities include supervising and coordinating resident
4 work programs to include such duties as vocational evaluation
5 and counseling of residents for placement in classroom or job
6 site training; monitoring residents in their attainment of
7 occupational skills by means of on-the-job training and
8 classroom instruction; and directly supervising resident
9 groundskeepers.

10 6. Human service workers whose primary duties and
11 responsibilities include either:

12 a. Maintaining the resident building to meet the
13 sanitation, safety, and infection control standards; serving
14 meals; conducting room checks and face counts; and escorting
15 residents to medical and other appointments as assigned; or
16 b. Assisting residents with their daily living
17 activities; admitting residents into the unit; assisting with
18 discharges; completing resident assessments and other forms as
19 needed; and assisting with therapeutic activities as assigned.

20
21 In addition, the performance of these duties by the member
22 must require the member to spend at least 75 percent of his or
23 her time in contact with patients or inmates in a correctional
24 or forensic facility or institution.

25 Section 3. This act shall take effect July 1, 2006.